

GIBSON, DUNN & CRUTCHER LLP
Robert E. Cooper, SBN 35888
rcooper@gibsondunn.com
333 S. Grand Avenue
Los Angeles, California 90071
Telephone: (213) 229-7000
Facsimile: (213) 229-7520

George A. Nicoud III, SBN 106111
tnicoud@gibsondunn.com
Austin V. Schwing, SBN 211696
aschwing@gibsondunn.com
555 Mission Street, 30th Floor
San Francisco, California 94105
Telephone: (415) 393-8210
Facsimile: (415) 374-8458

Attorneys for Defendant Cisco Systems, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MULTIVEN, INC., a Delaware Corporation,

Plaintiff,

v.

CISCO SYSTEMS, INC., a California
corporation,

Defendant.

CASE NO. C08-CV-05391-JW

**STIPULATION AND [PROPOSED]
ORDER EXTENDING DEFENDANT'S
TIME TO RESPOND TO THE
COMPLAINT AND MODIFYING THE
DATE OF THE CASE MANAGEMENT
CONFERENCE**

IT IS HEREBY STIPULATED, pursuant to Northern District of California Local Rules 6-1(a), 6-2, 7-12, and 16-2(e) by and between Plaintiff Multiven, Inc. and Defendant Cisco Systems, Inc., by and through their attorneys, as follows:

WHEREAS, Plaintiff Multiven, Inc. filed its Complaint on December 1, 2008;

WHEREAS, the parties previously modified the date of the case management conference by stipulation and order on December 29, 2008 and March 27, 2009;

WHEREAS, the parties previously extended Defendant Cisco Systems, Inc.'s time to respond to the complaint by stipulation and order on December 29, 2008, March 11, 2009, and March 27, 2009;

1 WHEREAS, the parties agree that they need more time to develop and discuss the facts of the
2 case and counterclaims Defendant Cisco Systems, Inc. expects to file against Plaintiff Multiven, Inc.;

3 WHEREAS, pursuant to Northern District of California Local Rule 6-1(a), Plaintiff Multiven,
4 Inc. agrees that Defendant Cisco Systems, Inc. shall have until and including May 18, 2009 to move,
5 answer, or otherwise respond to the complaint;

6 WHEREAS, the case management conference is presently set for June 1, 2009;

7 WHEREAS, the parties are presently scheduled to submit a Joint Case Management
8 Statement on May 22, 2009;

9 WHEREAS, both parties agree that the case management conference should be continued to
10 permit the parties to confer regarding the facts in this case;

11 WHEREAS, both parties agree that, pursuant to Northern District of California Local Rule
12 16-2(e), the case management conference shall be on or after June 15, 2009, or a date as soon
13 thereafter as is convenient for the Court;

14 WHEREAS, both parties agree that, pursuant to Northern District of California Local Rule
15 16-2(e), the Joint Case Management Statement shall be due ten calendar days before the case
16 management conference.

17 NOW, THEREFORE, the parties, by and through their counsel of record, stipulate that, if
18 acceptable to the Court:

- 19 1. Defendant Cisco Systems, Inc. shall have until and including May 18, 2009 to move,
20 answer, or otherwise respond to the complaint;
- 21 2. The case management conference shall be on or after June 15, 2009, as is convenient
22 for the Court; and
- 23 3. The parties' Joint Case Management Statement shall be due ten calendar days before
24 the case management conference.

25 IT IS SO STIPULATED.

26 ///

27 ///

28 ///

1 DATED: April 29, 2009

GIBSON, DUNN & CRUTCHER LLP
Robert E. Cooper
George A. Nicoud III
Austin V. Schwing

2 By: /s/ George A. Nicoud III
George A. Nicoud III

3
4
5 Attorneys for Defendant
6 CISCO SYSTEMS, INC.

7
8 DATED: April 29, 2009

9 BLECHER & COLLINS, P.C.
Maxwell M. Blecher
Donald R. Pepperman
James Robert Noblin

10 By: /s/ Maxwell M. Blecher
Maxwell M. Blecher

11 Attorneys for Plaintiff
12 MULTIVEN, INC.

13
14
15 **ORDER**

- 16 1. Defendant Cisco Systems, Inc. shall have until and including May 18, 2009 to move, answer, or
17 otherwise respond to the complaint;
- 18 2. The case management conference shall be on June 15, 2009 at 10:00 AM;
- 19 3. The parties' Joint Case Management Statement shall be due **June 5, 2009**.

20
21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

22
23 Dated: May 1, 2009

24 
UNITED STATES DISTRICT JUDGE
JUDGE JAMES WARE

ATTESTATION PURSUANT TO GENERAL ORDER NO. 45

Pursuant to General Order No. 45 of the Northern District of California, I attest that concurrence in the filing of the document has been obtained from each of the other signatories to this document.

By: /s/ George A. Nicoud
George A. Nicoud

DECLARATION OF SERVICE

I, Teresa Motichka, declare as follows:

I am employed in the County of San Francisco, State of California; I am over the age of eighteen years and am not a party to this action; my business address is 555 Mission St., Ste. 3000, San Francisco, California 94105, in said County and State. On April 29, 2009, I served the within:

**** STIPULATION AND [PROPOSED] ORDER EXTENDING DEFENDANT'S TIME TO RESPOND TO THE COMPLAINT AND MODIFYING THE DATE OF THE CASE MANAGEMENT CONFERENCE;**

**** DECLARATION OF GEORGE A. NICOUD III IN SUPPORT**

to all named counsel of record as follows:



BY ECF (ELECTRONIC CASE FILING): I e-filed the above-detailed documents utilizing the United States District Court, Northern District of California's mandated ECF (Electronic Case Filing) service on April 29, 2009. Counsel of record are required by the Court to be registered e-filers, and as such are automatically e-served with a copy of the documents upon confirmation of e-filing.

I also served the within to the below-listed parties not registered for e-filing as follows:



BY U.S. MAIL: I placed a true copy in a sealed envelope addressed to the below-named parties, on the above-mentioned date. I am familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Attorneys for Plaintiff

Maxwell M. Blecher
James R. Noblin
BLECHER & COLLINS, P.C.
515 S. Figueroa St., Ste. 1750
Los Angeles, CA 90017-3334
Telephone: (213) 622-4222

I certify under penalty of perjury that the foregoing is true and correct, that the foregoing document(s) were printed on recycled paper, and that this Certificate of Service was executed by me on April 29, 2009, at San Francisco, California.

By _____ /s/Teresa Motichka
Teresa Motichka

100643238_1.DOC